

**TITLE 14, CALIFORNIA CODE OF REGULATIONS  
SUBDIVISION 4, OFFICE OF SPILL PREVENTION AND RESPONSE  
CHAPTER 3, OIL SPILL PREVENTION AND RESPONSE PLANNING  
SUBCHAPTER 6, OIL TRANSFER AND VESSEL OPERATIONS  
SECTIONS 840 - 845.2  
Effective September 12, 2002**

**ARTICLE 1  
GENERAL REQUIREMENTS**

**840. SHORT TITLE.**

This subchapter shall be known and may be cited as the Department of Fish and Game, Office of Spill Prevention and Response, Oil Transfer and Vessel Operation Regulations.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2, 8670.7 and 8670.17 Government Code

**840.1 APPLICABILITY.**

(a) The provisions of this subchapter shall apply to:

- (1) all oil transfer operations other than internal vessel transfers regardless of the quantity being transferred, conducted within California marine waters, or a shore-based transfer where a spill could impact California marine waters, except as noted in (b) below; and
- (2) all drydock associated oil transfers including, but not limited to, oil transfers to or from a tank vessel or nontank vessel in drydock; oil transfers to or from tanks (portable and/or fixed) within the drydock; and oil transfers to or from the drydock; and
- (3) all vessels engaged in oil transfer operations. For the purpose of this subchapter, vessel is not limited to the definition in Chapter 1, Section 790, of this subdivision and includes tank vessels and nontank vessels.

(b) This subchapter does not apply to:

- (1) nontank vessels with an oil carrying capacity of less than 250 barrels;
  - (2) oil transfers to or from a marine terminal;
  - (3) small craft refueling docks as defined in Chapter 1, Section 790 of this subdivision;
  - (4) public vessels as public vessels are defined in 33 United States Code (USC) 2701;
  - (5) dedicated oil spill response vessels when conducting response operations in a response area;
  - (6) vessels of opportunity as defined in Chapter 1, Section 790 of this subdivision; or
1. (1) internal vessel transfers.

(c) Both the transfer unit and the receiving unit may be monitored by Staff during any phase of the oil transfer operation.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2, 8670.14, 8670.17 and 8670.18, Government Code.

## **840.2 ADMINISTRATION.**

- (a) The Staff shall administer this subchapter and shall thereby seek to provide for the following:
  - (1) the prevention and elimination of any contamination or pollution of the ocean and tidelands,
  - (2) the prevention and elimination of waste from the marine waters,
  - (3) the conservation of natural resources,
  - (4) the protection of human health and safety, and
  - (5) the protection of the environment.

**Authority:** Section 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2, Government Code.

## **841. DEFINITIONS.**

In addition to the definitions in Chapter 1, Section 790 of this subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

- (a) #1 and #2 Grade Oils, for the purpose of this subchapter, means oils with an API gravity of 35 to 40 and are primarily intended for use in internal combustion engines that use compression for ignition, or used in turbine engines, or used as a heating oil.
- (b) Boom, for the purpose of this subchapter, means flotation boom or other effective barrier containment material suitable for containment of oil that is discharged onto the surface of the water.
- (c) "Person in charge" means that person as defined in 33 CFR 154.105.
- (d) Receiving Unit means any tank vessel, nontank vessel or marine facility which is not a marine terminal, which receives oil during an oil transfer operation.
- (e) Small marine fueling facility" means either of the following:
  - (A) a mobile transfer unit, or
  - (B) a fixed facility that is not a marine terminal, which dispenses primarily nonpersistent oil, and may dispense small amounts of persistent oil, primarily to small craft, and meets all of the following criteria:

(1) has tank storage capacity not exceeding 40,000 gallons in any single storage tank or storage tank compartment.

(2) has total usable tank storage capacity not exceeding 75,000 gallons.

(3) had an annual throughput volume of over-the-water transfers of oil that did not exceed 3,000,000 gallons during the most recent preceding 12-month period.

(f) SOLAS means the International Convention for Safety of Life at Sea 1974, and the Protocols of 1978 and 1988, published in SOLAS, consolidated edition 1997, IMO Publications, International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom.

(g) "Staff" means the Administrator or any personnel within the California Department of Fish and Game authorized to act on behalf of the Administrator.

(h) "Transfer" or Transfer Operation means the transfer of oil.

(i) "Transfer Unit" means any tank vessel, nontank vessel, or marine facility from which oil is transferred to another vessel or marine facility which is not a marine terminal, during an oil transfer operation.

**Authority:** Sections 8670.17 and 8670.18 and 8670.28, Government Code.

**Reference:** Section 8670.3, Government Code.

#### **842. INCORPORATION BY REFERENCE.**

(a) Unless found to conflict with regulations of this subchapter, and to the extent that they govern the transportation or transfer of oil, the following regulations promulgated by the United States Coast Guard are incorporated by reference:

(1) 33 Code of Federal Regulations (CFR) Part 151, Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water.

(2) 33 CFR Part 154, Facilities Transferring Oil or Hazardous Material in Bulk.

(3) 33 CFR Part 155, Oil or Hazardous Material Pollution Prevention Regulations for Vessels.

(4) 33 CFR Part 156, Oil and Hazardous Material Transfer Operations.

(5) 46 CFR Part 34, Firefighting Equipment.

**Authority:** Section 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2 and 8670.14, Government Code.

**ARTICLE 1.1**  
**REQUIREMENTS FOR THE TRANSFER OF OIL**

**843. GENERAL.**

- (a) No person may conduct an oil transfer operation unless the equipment, personnel and operating procedures meet the requirements of this subchapter.
- 2. (a) Any transfer operation which does not meet the requirements of Subsection (a) of this section may be subject to a shutdown of operations. An order issued by the Staff to terminate an oil transfer operation is an order of the Administrator and failure to comply constitutes a violation of Article 9 of the Government Code (commencing with Section 8670.57 et seq.).
- (c) The Administrator may grant an exemption or partial exemption from compliance with any requirement in this subchapter if the following conditions are met:
  - (1) An owner or operator submits a written request for an exemption to the Administrator at least 30 days before operation under the exemption is proposed, unless the Administrator authorizes a shorter time period; and
  - (2) It is determined from the request that:
    - (A) compliance with a specific requirement is economically or physically impractical;
    - (B) no alternative procedure, method, or equipment standard exists that would provide an equivalent level of protection from pollution by oil; and
    - (C) the likelihood of oil being discharged as a result of the exemption is minimal.
  - (3) If requested, the applicant must submit any appropriate information to substantiate the request for an exemption. Such information may include an environmental and economic assessment of the effects of and the reasons for the exemption, and any proposed procedures, methods or equipment standards to be followed in lieu of those required. The Administrator may consider any exemption or partial exemption from compliance with any requirement in the federal regulations granted by the Commandant of the U.S. Coast Guard;
  - (4) The exemption may specify the procedures, methods, or equipment standards that will apply;
  - (5) An exemption will be granted or denied in writing. The decision of the Administrator will be rendered within 10 calendar days of receipt of the request and is the final agency action.
- (d) Any exemption granted by the State Lands Commission pursuant to Title 2, CCR Section 2310, shall remain in full force and effect until such exemption expires by its own terms or an

application is made to the Administrator, pursuant to this section for an extension or amendment of such exemption.

**Authority:** Sections 8670.7, 8670.17, 8670.18, Article 9 (commencing with Section 8670.57 et seq.), Government Code.

**Reference:** Sections 8670.2, 8670.14 and 8670.17, Government Code.

#### **843.1 PERSONS IN CHARGE: DESIGNATION AND QUALIFICATION.**

- (a) A separate "person in charge" must be designated for the oil transfer operations of the transfer unit and for the oil transfer operations of the receiving unit.
- (b) No person may serve as person in charge of oil transfer operations unless:
  - (1) the person in charge meets the requirements set forth in 33 CFR 154.710, 33 CFR 155.710 and 33 CFR 156.115, whichever is appropriate.
  - (2) the person in charge has been designated in writing in accordance with 33 CFR 155.820 as set forth in 33 CFR 154.730, and 33 CFR 155.715.

**Authority:** Section 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2 and 8670.14, Government Code.

#### **843.2 COMPLIANCE WITH OIL TRANSFER PROCEDURES OR OPERATIONS MANUAL.**

- 3. (a) The operator of each vessel required by 33 CFR 155.720 to have oil transfer procedures shall ensure that such procedures are current and shall require vessel personnel to use the oil transfer procedures during each oil transfer operation.
- (b) The operator of each marine facility required by 33 CFR 154.300 to have an operations manual shall ensure that the manual's procedures are current and shall require facility personnel to use the operations manual during each oil transfer operation.

**Authority:** Section 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2 and 8670.14, Government Code.

#### **843.3 AVAILABILITY OF OIL TRANSFER PROCEDURES OR OPERATIONS MANUAL.**

The written oil transfer procedures or operations manual must be:

- (a) available for inspection by Staff whenever the transfer unit is conducting an oil transfer operation;
- (b) legibly printed in English and any other language or languages used primarily by personnel engaged in the oil transfer operation; and

- (c) permanently posted or available at the site of transfer where the procedures can be easily seen and used by members of the crew when engaged in oil transfer operations.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2 and 8670.14, Government Code.

#### **843.4 CONTENTS OF THE OIL TRANSFER PROCEDURES OR OPERATIONS MANUAL.**

The oil transfer procedures or operations manual must contain, either in the order listed or by use of a cross-reference index page, all of the following as appropriate:

- (a) a list of each product transferred to or from the vessel or marine facility;
- (b) a description of each oil transfer system on the vessel or marine facility including:
  - (1) a line diagram of the vessel's or marine facility's oil transfer piping, including the location of each valve, pump, control device, vent, and overflow;
  - (2) the location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system;
  - (3) a description of and procedures for emptying the discharge containment system;
- (c) the number of persons required to be on duty during oil transfer operations;
- (d) the duties by title of each officer, person in charge, tankerperson, deckhand, and any other person required for each oil transfer operation;
- (e) procedures and duty assignments for tending the vessel's moorings during the transfer of oil;
- (f) procedures for operating the emergency shutdown and communications;
- (g) procedures for topping off tanks;
- (h) procedures for ensuring that all valves used during the oil transfer operations are closed upon completion of transfer;
- (i) procedures for reporting oil discharges into the water; and
- (j) procedures for closing and opening the vessel openings specified in 33 CFR 155.815.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** 33 CFR 155.750 and Sections 8670.2 and 8670.14, Government Code.

### **843.5 DRAINING OIL.**

No person may intentionally drain oil or oily waste from any source into the bilge of any vessel. For purposes of this section, "bilge" does not mean a slop tank as described in 33 CFR 157.15, or an oily residue tank as described in 33 CFR 157.17.

**Authority:** Section 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2 and 8670.14, Government Code.

### **843.6 EMERGENCY SHUTDOWN.**

- (a) A vessel carrying oil, with an oil capacity of 250 or more barrels, must have on board an operable means for emergency shutdown that would enable the person in charge of an oil transfer operation to stop the flow of oil to another vessel, or within the vessel itself, within 30 seconds.
- (b) A small marine fueling facility must have an operable means for emergency shutdown that would enable the person in charge of the oil transfer operation to stop the flow of oil to a vessel.
- (c) The means required in paragraph (a) and (b) of this section may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow or back flow of oil if the oil could siphon through the stopped pump.
- (d) The means required in paragraph (a) of this section must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the oil transfer operation.
- (e) The means required in paragraphs (a) and (b) of this section must be operable from a location that is accessible to the person in charge.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2 and 8670.14, Government Code.

### **843.7 COMMUNICATIONS.**

- (a) During oil transfers, the transfer unit and receiving unit must have continuous two-way voice communication between the persons in charge of the transfer operations on both the transfer unit and receiving unit.
- (b) Portable communication devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in Title 2, Division 3, Chapter 1, Article 5 of the California Code of Regulations, Section 2370(e).
- (c) The primary communication system required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all weather conditions. If this communications systems fails, the transfer operation shall be discontinued, as described in the

Declaration of Inspection (Section 843.8(z) of this subchapter). The transfer operation shall not resume until the continuous two-way voice communication system is restored.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Title 2 CCR Section 2370(e) and Sections 8670.2 and 8670.14, Government Code.

### **843.8 PRE-TRANSFER REQUIREMENTS FOR OIL TRANSFER OPERATIONS.**

No person may conduct an oil transfer operation unless:

- (a) the vessel's moorings and mooring lines used during the transfer operation are strong enough to hold during all expected conditions of surge, current, and weather, and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;
- (b) oil transfer hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on any component of the oil transfer system;
- (c) each hose is supported to prevent kinking or other damage to the hose and to prevent strain on its coupling;
- (d) each part of the oil transfer system is properly aligned;
- (e) each part of the oil transfer system not necessary for the transfer operation is securely capped, blank flanged, and/or shut off;
- (f) the end of each hose that is not connected for the transfer of oil is plugged, capped, or blanked off using the closure devices required by federal regulation;
- (g) the transfer system is attached to a fixed connection on the transfer unit or receiving unit except that when a nontank vessel of less than 250 barrel capacity is receiving fuel, an automatic back pressure shutoff nozzle may be used;
- (h) each overboard discharge or sea suction valve that is connected to the vessel's oil transfer or cargo tank system is sealed or lashed in the closed position, except when used to receive or discharge ballast;
- (i) each oil transfer hose is in good repair, and is suitable for the purpose intended and free from defect which would permit the discharge of oil through the hose material; has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement. (See the recommended practices in the Hose Technical Information Bulletin: No. IP-11-4; Oil Suction and Discharge Hose: Manual for Maintenance, Testing and Inspection, published by the Rubber Manufacturers Association (RMA), 1440 K Street, N.W., Washington, D.C. 20005). For purposes of this section, "reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal;



- (j) the discharge containment equipment on deck or on the dock that must be deployed pursuant to Sections 844 and 844.3 of this subchapter, is deployed and in place prior to any transfer of oil, and periodically drained to provide the required capacity;
- (k) each drain and scupper is closed by mechanical means to adequately prevent any discharge or leaking of oil; freeing ports shall be adequately blocked to prevent any discharge or leaking of oil;
- (l) all connections in the oil transfer system are leak free, except that a component in the transfer system, such as the packing glands of a pump which cannot be made leak free, shall not leak at a rate that exceeds the capacity of the discharge containment equipment to hold any such leakage during the transfer operation;
- (m) the communications equipment and procedures required by this subchapter are operating during the entire transfer operation;
- (n) the emergency means of shutdown is in position and operable;
- (o) there is a qualified person in charge on the transfer unit and a person in charge on the receiving unit during a transfer operation;
- (p) each person in charge required by paragraph (o) of this section:
  - (1) shall be present at the site of the oil transfer operation and immediately available to the oil transfer personnel;
  - (2) has readily available a copy of the vessel oil transfer procedures or the facility operations manual, as appropriate, at the operations center or central point where transfer operations are controlled and monitored; and
  - (3) conducts the transfer operation in accordance with the vessel oil transfer procedures or facility operations manual, as appropriate.
- (q) the personnel required, under the facility operations manual and the vessel oil transfer procedures, to conduct the oil transfer operation:
  - (1) are on duty; and
  - (2) conduct the transfer operation in accordance with the facilities operations manual or vessel's oil transfer procedures, as appropriate;
- (r) each person required by paragraph (o) understands and speaks the English language fluently, or engages the services of an interpreter;
- (s) the person in charge of oil transfer operations on the transfer unit and the person in charge of oil transfer operations on the receiving unit have held a conference to ensure that each person in charge understands the following details of the transfer operation:

- (1) the identity of the product and quantity to be transferred, and availability of a material safety data sheet for the product to be transferred;
- (2) the sequence of transfer operations;
- (3) the transfer rate;
- (4) the name or title and location of each person participating in the transfer operation;
- (5) the details of their respective transfer or receiving system and the particulars of the transfer operation;
- (6) the critical stages of the transfer operation;
- (7) all the federal, state, and local rules that apply to the transfer of oil;
- (8) the emergency procedures, which shall include:
  - (A) acknowledgment that together both units are willing to provide all spill containment resources under each of their control on site;
  - (B) identification, in writing, of each unit's contracted OSRO;
  - (C) agreed-upon written emergency shutdown procedures.
- (9) the discharge containment procedures;
- (10) the discharge reporting procedures;
- (11) the watch or shift arrangements;
- (12) the transfer shutdown procedures;
- (t) the person in charge of oil transfer operations on the transfer unit and the person in charge of oil transfer operations on the receiving unit agree to begin the transfer operation;
- (u) To ensure safe operation and early detection of an oil leak, for oil transfer operations between sunset and sunrise, deck lighting shall be provided by the self-propelled vessel that adequately illuminates (as described by 33 CFR 155.790) the following:
  - (1) each transfer operation work area and each transfer connection point in use on a self-propelled vessel; and
  - (2) each transfer operation work area and each transfer connection point in use on each barge or small marine fueling facility discharging or receiving oil, unless the barge or small marine fueling facility itself provides adequate illumination.
  - (3) Where illumination appears to be inadequate, Staff may require verification by instrument of the levels of illumination. On a horizontal plane three feet above the deck or walking surface, illumination must measure at least:

- (A) 5.0 foot candles at transfer connection points; and
  - (B) 1.0 foot candles in oil transfer operation work areas.
- (v) appropriate fire fighting equipment is available as required in 46 CFR, Part 34.
- (w) in addition to the requirements listed in 33 CFR 154.500(e), all transfer hoses shall have all markings near the two ends in the vicinity of the flanges where they can be easily seen.
- (x) all transfer connections shall:
  - (1) use suitable material in joints and couplings to ensure a leak-free seal;
  - (2) use a new gasket;
  - (3) use a bolt in every available hole;
  - (4) use bolts of the correct size in each bolted connection;
  - (5) tighten each bolt and nut uniformly and sufficiently to distribute the load to ensure a leak-free seal;
  - (6) not use any bolt that shows signs of strain or is elongated or deteriorated;
  - (7) use either:
    - (A) a bolted or full threaded connection; or
    - (B) a quick-connected coupling with a means of securing the coupling to prevent accidental release.
- (y) the vessel has a fill pipe for which containment can be provided. For vessels less than 250 barrels capacity, an automatic back pressure nozzle can be used.
- (z) a written Declaration of Inspection (DOI) which shall include the following, in addition to the requirements of 33 CFR 156.150(c):
  - (1) identification of each unit=s OSRO;
  - (2) acknowledgment by each unit that their OSRO has been notified in advance;
  - (3) emergency shut-down procedures;
  - (4) agreed-upon hand and/or sound signals that initiate and complete the shut-down of the transfer operation.
  - (5) The Declaration of Inspection shall be filled out and signed by each person in charge and relief person in charge. Each person in charge who is different from the person

who originally signed the Declaration of Inspection shall sign the Declaration of Inspection before assuming or re-assuming the duties of a person in charge. Prior to their signing or re-signing the Declaration of Inspection, each person in charge shall inspect the transfer unit or receiving unit, as appropriate, to ensure that the requirements of this subchapter are being maintained;

- (aa) a loading plan shall be completed in writing by the receiving unit.
- (ab) Transfer operations shall not be started or, if started, shall be discontinued under the following conditions:
  - (1) during severe weather, electrical storms, or wave conditions;
  - (2) if a fire occurs on the wharf, on the vessel, on the marine facility, or in the vicinity of the wharf, vessel or marine facility;
  - (3) any condition that may jeopardize the safety of the transfer;
  - (4) loss of continuous two-way voice communication.

**Authority:** Sections 88670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2 and 8670.14, Government Code.

#### **843.9 PERSONNEL WORK LIMITATIONS.**

- (a) No shoreside person involved in a transfer operation may work more than 16 hours in any 24 hour period, or more than 40 hours in any 72 hour period, except in an emergency.

- (b) No vessel person involved in a transfer operation may work more than 15 hours in any 24 hour period, or more than 36 hours in any 72 hour period, except in an emergency.
- (c) For purposes of this section, "work" includes any administrative duties associated with the vessel or transfer operation whether performed on board the vessel or onshore.
- (d) For purposes of this section, "emergency" is limited to those situations which threaten life, damage to property or have adverse impact on the public health or safety.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2 and Section 8670.14, Government Code.

#### **844. CONTAINMENT AND RESPONSE EQUIPMENT REQUIREMENTS; MARINE FACILITY AND VESSEL OIL TRANSFER OPERATIONS.**

This section does not apply to small marine fueling facilities. Containment and response equipment requirements for small marine fueling facilities, including mobile transfer units, are addressed in Section 844.3 of this subchapter.

- (a) The requirements specified in this section are in addition to those specified in 33 CFR 155 which are incorporated herein by reference.
- (b) Containment and Removal of On-Deck Spills.
  - (1) Transfer units and receiving units must provide appropriate equipment and supplies for the containment, removal and storage of on-deck oil spills of at least seven barrels. Such equipment and supplies must include:
    - (A) sorbents sufficient to contain seven barrels of oil;
    - (B) non-sparking hand scoops, shovels, and buckets;
    - (C) containers suitable for holding seven barrels of recovered waste;
    - (D) a minimum of 15 gallons of a deck cleaning agent;
    - (E) appropriate protective clothing to protect personnel from inhalation hazards, eye exposure, and skin contact;
    - (F) non-sparking portable pump(s) with appropriate hoses; and
    - (G) the equipment required in this section must remain ready, and pump(s) with appropriate hoses must be ready, for immediate use during transfer operations.
- (c) Transfer units, except for small marine fueling facilities, must carry or provide at the point of transfer appropriate equipment and supplies for the containment and removal of both persistent oil, and #1 and #2 grade oil (as defined in Section 841 of this subchapter) spills in water

adjacent to the transfer site. Prior to beginning each transfer operation the transfer unit shall provide either one of the following for the duration of the entire transfer operation:

- (1) boom deployed so as to enclose the water surface area adjacent to the receiving unit which will provide common containment area for:
  - (A) either of the following:
    - 1. the entire receiving unit and the point of transfer; or
    - 2. those portions of the receiving unit or seawall from which oil may spill into the water.
  - (B) where the hull of the transfer unit or seawall is capable of acting as an effective barrier on the side of the receiving unit, the boom on that side may be deployed so that it provides containment between the receiving unit and the transfer unit or seawall.
  - (C) the boom shall be deployed so that it provides a stand-off of not less than 4 feet from the outboard side of the receiving unit.
- (2) sufficient boom, trained personnel and equipment, maintained in a stand-by condition at the point of transfer, such that at least 600 feet of boom, or an amount sufficient to meet the containment requirements in subsection (1), above, whichever is greater, can and will be deployed for the most effective containment immediately, but no longer than 30 minutes, after discovery of a spill.
- (d) In addition to the requirements specified in this Subsection (c) above, the owner or operator of a transfer unit shall also identify the equipment, personnel and procedures such that at least an additional 600 feet of boom can and will be deployed. These response resources shall be on-scene and deployed within one hour for the most effective containment in the event of an oil spill.

**Authority:** Sections 8670.7, 8670.17, 8670.18 and 8670.28, Government Code.

**Reference:** Sections 8670.2, 8670.14, 8670.25 and 8670.28, Government Code.

#### **844.1 OIL DISCHARGE CLEANUP; MARINE FACILITY AND VESSEL OIL TRANSFER OPERATIONS.**

This section does not apply to small marine fueling facilities. Oil discharge cleanup requirements for small marine fueling facilities are addressed in Section 844.4 of this subchapter.

- (a) Each person conducting an oil transfer operation shall stop the transfer operation whenever oil from any source is discharged:
  - (1) in the transfer operation work area and poses a threat of spilling into marine waters; or

- (2) into the water or upon the adjoining shoreline in the transfer area.
- (b) Except as permitted under paragraph (c) of this section, no person may resume an oil transfer operation after it has been stopped under Subsection (a) of this section, unless:
  - (1) the source of the spill has been secured;
  - (2) the oil discharged in the oil transfer operation work area is cleaned up;
  - (3) the oil discharged into the water or upon the adjoining shoreline is cleaned up; and
  - 1. (1) both persons in charge agree to resume the oil transfer operation.
- (c) The U.S. Coast Guard Captain of the Port may authorize resumption of the oil transfer operation if it is deemed appropriate.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2, 8670.14 and 8670.25, Government Code.

#### **844.2 REPORTING REQUIREMENTS; MARINE FACILITY AND VESSEL OIL TRANSFER OPERATIONS.**

This section does not apply to small marine fueling facilities. Reporting requirements for small marine fueling facilities are addressed in Section 844.5 of this subchapter.

- (a) An immediate report must be made by the transfer unit to the California Office of Emergency Services in the event any of the following occurs during an oil transfer operation:
  - (1) a fire, explosion, collision, or grounding;
  - (2) any similar incident or occurrence which poses a threat to the vessels involved.
- (b) The master or person in charge of a vessel shall report any discharge of oil into the water from such vessel.
- (c) Notification.
  - (1) Unless the Staff and the operator agree otherwise, at least four (4) hours, but not more than twenty-four (24) hours, prior to the initiation of any transfer operation, the transfer unit operator shall provide notice of the transfer to the Staff. For oil transfer operations where the transfer unit operator is given less than four (4) hours notice, the operator shall provide the Staff with notice of the transfer as soon as possible after receiving notice of the anticipated transfer, but in any case prior to the initiation of transfer operations.
  - (2) The notification requirement in Subsection (a) above also applies to oil transfers to or from a marine facility, tank vessel or nontank vessel within a drydock, and oil transfers to or from the drydock.

- (3) Notifications shall be made in writing by facsimile machine or other agreed upon means to the Staff.
- (4) The notification shall include the following:
  - a. the location of the transfer;
  - b. the expected time of arrival of the transfer unit;
  - c. time anticipated for initiation of the transfer operation;
  - d. time anticipated for completion of the transfer operation;
  - e. the names of the transfer unit and receiving unit involved;
  - f. the type or types of oil and quantity being transferred;
  - g. the name and 24 hour telephone and facsimile number of the Qualified Individual; and
  - h. the name of the transfer unit=s contracted oil spill response organization(s).
- (5) Acknowledgment by the Staff of the notification required by this section is not required to commence operations.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2, 8670.14 and 8670.25.5, Government Code.

#### **844.3 CONTAINMENT AND RESPONSE EQUIPMENT REQUIREMENTS; SMALL MARINE FUELING FACILITY OIL TRANSFER OPERATIONS.**

- (a) The requirements specified in this section are in addition to those specified in 33 CFR 154 which are incorporated herein by reference.
- (b) Small marine fueling facilities shall carry on-site appropriate equipment and supplies for the containment and removal of on-deck and on-shore oil spills of at least two barrels. Such equipment and supplies must include:
  - (1) sorbents sufficient to contain two barrels of oil;
  - (2) non-sparking hand scoops, shovels, and buckets;
  - (3) containers suitable for holding two barrels of recovered waste;
  - (4) a minimum of five gallons of a deck cleaning agent;



- (5) appropriate protective clothing to protect personnel from inhalation hazards, eye exposure, and skin contact;
  - (6) non-sparking portable pumps with appropriate hoses; and
  - (7) the equipment required in this section must remain ready, and pumps with appropriate hoses must be ready, for immediate use during transfer operations.
- (c) Small marine fueling facilities, not including mobile transfer units, must carry or provide at the point of transfer appropriate equipment and supplies for the containment and removal of both persistent oil, and #1 and #2 grade oil (as defined in Section 841 of this subchapter) spills in waters adjacent to the transfer site. Prior to beginning each transfer operation, the small marine fueling facility shall provide either one of the following for the duration of the entire transfer operation:
- (1) boom deployed so as to enclose the water surface area adjacent to the vessel which will effectively maintain a common containment and oil entrapment area for:
    - (A) either of the following:
      - 1. the entire vessel and the point of transfer; or
      - 2. those portions of the vessel and seawall from which oil may spill into the water.
    - (B) where the hull of the vessel and the face of the dock or seawall are both capable of acting as effective barriers, the boom may be deployed so that it provides containment between the vessel and dock or seawall.
    - (C) the boom shall be deployed so that it provides a stand-off of not less than four feet from the outboard side of the vessel.
  - (2) sufficient boom, trained personnel and equipment, maintained in a stand-by condition at the point of transfer, such that at least 600 feet of boom, or an amount sufficient to meet the containment requirements in subsection (1) above, whichever is greater, can and will be deployed for the most effective containment immediately, but no longer than 30 minutes, after discovery of a spill.
- (d) In addition to the requirements specified in this Subsection (c) above, the owner or operator of a small marine fueling facility, not including mobile transfer units, shall also identify the equipment, personnel and procedures such that at least an additional 600 feet of boom can and will be deployed. Mobile transfer units shall identify the equipment, personnel and procedures sufficient to contain a two barrel spill. These response resources shall be on-scene and deployed within one hour for the most effective containment in the event of an oil spill.

**Authority:** Sections 8670.7, 8670.17, 8670.18 and 8670.28, Government Code.

**Reference:** Sections 8670.2, 8670.14, 8670.25 and 8670.28, Government Code.

#### **844.4 OIL DISCHARGE CLEANUP; SMALL MARINE FUELING FACILITY OPERATIONS.**

- (a) Each person conducting an oil transfer operation shall stop the transfer operation whenever oil from any source is discharged:
  - (1) in the transfer operation work area and poses a threat of spilling into marine waters; or
  - (2) into the water or upon the adjoining shoreline in the transfer area.
- (b) Except as permitted under paragraph (c) of this section, no person may resume an oil transfer operation after it has been stopped under paragraph (a) of this section, unless:
  - (1) the source of the spill has been secured;
  - (2) the oil discharged in the oil transfer operation work area is cleaned up;
  - (3) the oil discharged into the water or upon the adjoining shoreline is cleaned up; and
  - 4. (b) both persons in charge agree to resume the oil transfer operations.
- (c) The U.S. Coast Guard Captain of the Port may authorize resumption of the oil transfer operation if it is deemed appropriate.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2, 8670.14 and 8670.25, Government Code.

#### **844.5 REPORTING REQUIREMENTS; SMALL MARINE FUELING FACILITY OPERATIONS.**

- (a) An immediate report must be made by the vessel and the small marine fueling facility to the California Office of Emergency Services, in the event any of the following occurs during an oil transfer operation:
  - (1) a fire, explosion, collision, or grounding;
  - (2) any similar incident or occurrence which poses a threat to the vessels or facilities involved.
- (b) The master or person in charge of a vessel or small marine fueling facility (including Mobile Transfer Units) shall immediately report any discharge of oil into the water.
- (c) Notification: Mobile Transfer Units Only.
  - (1) Unless the Staff and the operator agree otherwise, at least four hours, but not more than 24 hours, prior to the initiation of any transfer operation, the mobile transfer unit

operator shall provide notice of the transfer to the Staff. For mobile transfer unit operations where the operator is given less than four hours notice, the operator shall provide the Staff with notice of the transfer as soon as possible after receiving notice of the anticipated transfer, but in any case prior to the initiation of transfer operations.

- (2) Notifications shall be made in person, by telephone or by facsimile machine to the Staff.
- (3) The notification shall include the following:
  - a. the location of the transfer;
  - b. the expected time of arrival of the unit;
  - c. time anticipated for initiation of the transfer operation;
  - d. time anticipated for completion of the transfer operation;
  - e. the names of the transfer unit or receiving unit involved;
  - f. the type or types of oil being transferred;
  - g. the name and 24 hour telephone and facsimile number of the Qualified Individual; and
  - h. the name of the Mobile Transfer Unit=s oil spill response organization(s).
- (4) Acknowledgment by the Staff of the notification required by this section is not required to commence operations.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2, 8670.14 and 8670.25.5, Government Code.

## **ARTICLE 1.2**

### **ADDITIONAL REQUIREMENTS FOR LIGHTERING OPERATIONS**

#### **844.6 APPLICABILITY.**

- (a) This Article applies to vessels which engage in oil lightering operations where a spill could impact the marine waters of California. Lightering or lightering operation means the transfer of a cargo of oil in bulk from one vessel to another. Lightering includes all phases of the operation from the beginning of mooring activities between the transfer unit and the receiving unit to the departure of the either the transfer unit or the receiving unit. A lightering operation does not include bunkering. These rules are in addition to rules found in Article 1.1 of this subchapter. The requirements of this article shall not apply to a vessel that conducts a lightering operation in an effort to prevent an oil spill or other harm to public safety or the environment.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.2, 8670.17 and 8670.18, Government Code.

#### **844.7 GENERAL REQUIREMENTS; LIGHTERING OPERATIONS.**

- (a) No vessel may transfer cargo oil upon marine waters of the State of California where the cargo oil is to be lightered, unless:
  - (1) the vessel is in compliance with the requirements of this subchapter;
  - (2) both the receiving unit and the transfer unit have on board at the time of transfer, a valid Certificate of Inspection, Certificate of Compliance, or a Tank Vessel Examination Letter, as would have been required under 46 U.S.C. 3710 or 3711, had the transfer taken place in a port or place subject to the jurisdiction of the United States; and
  - (3) the receiving unit and transfer unit as required by 33 CFR 151 have on board, at the time of transfer, an International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation of compliance with Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978. Such documentation is the same as that which is required by 33 CFR 151 for vessels in the navigable waters of the United States. The IOPP Certificate or documentation of compliance shall be that prescribed by 33 CFR 151.19 and 33 CFR 151.21, and shall be effective under the same timetable as specified in 33 CFR 151.19.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Sections 8670.2 and 8670.14, Government Code.

### **ARTICLE 1.3**

#### **TRANSFER OPERATIONS INSPECTION PROGRAM**

#### **845. INSPECTIONS.**

- (a) Inspectors may board and inspect any vessel which is conducting, preparing to conduct, or has just finished conducting an oil transfer before either the transfer unit or the receiving unit has departed. The Administrator has the primary responsibility for carrying out the provisions of the Act within the Administrator's jurisdiction.
- (b) The Administrator shall designate persons to act in the capacity of inspector for purposes of this Article. Such personnel shall be readily identifiable by credentials issued by the Administrator. Credentials issued pursuant to this Article shall be carried by the inspector conducting any inspection and made available for viewing upon request from any interested party.
- (c) As used in Section 845.2 below, the term Administrator shall also mean any person having the authority to conduct inspections as delegated pursuant to this Article.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference: Sections 8670.2 and 8670.18, Government Code.**

#### **845.1. COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.**

All operators involved in transfer operations shall comply with all applicable federal, state, and local pollution prevention regulations, including, but not limited to, the provisions under 33 CFR Parts 154, 155, and 156

**Authority: Sections 8670.7, 8670.17 and 8670.18, Government Code.**

**Reference: Sections 8670.2 and 8670.14, Government Code.**

#### **845.2 INSPECTIONS AND MONITORING.**

- (a) The Administrator shall carry out an inspection program which shall include the following:
  - (1) at least once every three years, the Administrator shall conduct a system safety inspection of each vessel engaged in transfer operations in the marine waters of California. Such an inspection shall determine whether the vessel is in compliance with equipment, procedures, and other requirements as specified by this subchapter.
  - (2) monitoring transfer operations at the transfer site on a continuing, random basis.
- (b) Inspectors' Access to Vessels and Records.
  - (1) Every vessel operator shall provide the Administrator access at any time to any and all policies, guidelines and reports relating to the testing, inspection, maintenance and operation of the vessel, including but not limited to operations manuals and U.S. Coast Guard Inspection Reports.
  - (2) All vessel operators involved in transfer operations shall ensure that the Administrator has access at any and all times on board any and all vessels engaged in transfer operations. The vessel operator shall provide, at a minimum, SOLAS approved access to board the vessel. Access shall be provided to the Administrator for the purpose of monitoring transfer operations and compliance with regulations of the U.S. Coast Guard and the Administrator with regard to oil pollution prevention during such operations. The Administrator shall have access to any and all areas of the vessel necessary, as deemed by the inspector, to monitor any and all phases, aspects, and parts of the transfer operations.
  - (3) Access under paragraphs (1) and (2) shall be provided without warrant or prior notification by the Administrator.
  - (4) If the Administrator is denied access as specified under this section, all transfer operations at the vessel shall terminate and may not proceed until the earlier of the following occurs:
    - (A) the Administrator gives approval for transfers to proceed; or

- (B) a period of 48 hours has elapsed from the time that the Administrator was informed that access was denied. During such 48 hour period the Administrator shall pursue appropriate legal remedies to gain access, or enjoin further oil transfers.
- (5) If access as specified under this section is denied, the Administrator shall do all of the following:
  - (A) provide notification of the denial of access to the U.S. Coast Guard Marine Safety Office having jurisdiction;
  - (B) provide notification of the denial of access to the State Lands Commission; and
  - (C) take whatever legal action is necessary to obtain access, including, but not limited to, the following:
    - 1. seeking any orders or other documents necessary or appropriate from a court having proper jurisdiction; or
    - 2. seeking any other orders or documents necessary or appropriate.
- (c) In the event of an oil spill, the presence of any of the Administrator's inspectors or any other agent or employee of the Administrator shall in no way relieve or alter any responsibility the operator of a vessel involved in transfer operations may have to report the discharge to the Office of Emergency Services, as required under Government Code Section 8670.25.5, and to comply with all applicable contingency plans and all requirements under the Government Code regarding response to oil spills.

**Authority:** Sections 8670.7, 8670.17 and 8670.18, Government Code.

**Reference:** Section 8670.18 and 8670.25.5, Government Code.